

A. G. Contract No. KR94 2986TRN  
ECS File No.: JPA 94-260  
Project: ~~74794-019~~ 00300 01P  
Section: Bicycle Safety

**INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND

THE CITY OF BULLHEAD CITY

THIS AGREEMENT is entered into 31 January, 1995,  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and the  
CITY OF BULLHEAD CITY, acting by and through its MAYOR and CITY  
COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 and 28-112 to enter into this agreement and has  
by resolution, a copy of which is attached hereto and made a  
part hereof, resolved to enter into this agreement and has  
delegated to the undersigned the authority to execute this  
agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes  
Section 48-572 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and authorized  
the undersigned to execute this agreement on behalf of the City.

3. The Federal Highway Administration has provided  
planning and research (SPR) State administered grant funds for  
various safety programs, including, but not limited to, bicycle  
safety education and related applications. The State has  
evaluated and approved a grant in the amount of \$800.00 for the  
City.

THEREFORE, in consideration of the mutual agreements expressed  
herein, it is agreed as follows:

NO. <u>19447</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>01/31/95</u>
<u>James Lee Hest</u> Secretary of State
By <u>Vicky Greenwood</u>

## II. SCOPE

### 1. The City will:

a. Invoice the State for grant funds in the amount of \$800.00. Be responsible for any program costs over and above the State's grant contribution.

b. Expend grant funds in substantial conformance with the goals and objectives of the grant application provided to the State.

### 2. The State will:

Within thirty (30) days after receipt and approval of an invoice, pay the City \$800.00.

## III. MISCELLANEOUS PROVISIONS

1. The only interest of the Department of Transportation in the program is to convey federal pass through funds for the use and benefit of the City by reason of state law under which funds for the program are authorized to be expended. Should the program not be completed, be partially completed, or be completed at a lower cost than the State's grant contribution, or for any other reason should any of these grant funds not be expended, a proportionate amount of the funds provided under this agreement shall be reimbursed to the State. The City agrees to indemnify and save harmless the State, or any of its departments, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance by the State of any of the provisions of this agreement.

2. This agreement shall remain in force and effect until completion of said program and payment; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance under this contract, upon thirty (30) days written notice to the other party.

3. This agreement shall become effective upon filing with the Secretary of State.

4. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Bullhead City  
City Manager  
1255 Marina Blvd.  
Bullhead City, AZ 86442

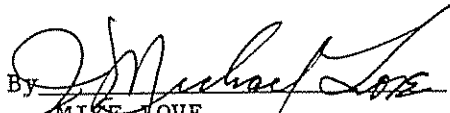
8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

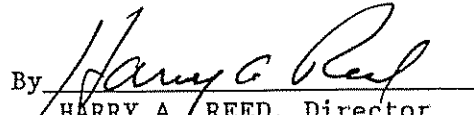
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF BULLHEAD CITY

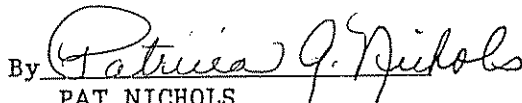
STATE OF ARIZONA

Department of Transportation

By   
MIKE LOVE  
Mayor

By   
HARRY A. REED, Director  
Transportation Planning  
Division

ATTEST

By   
PAT NICHOLS  
City Clerk

RESOLUTION

BE IT RESOLVED on this 29th day of November 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into agreements with various political subdivisions and bicycle safety groups for the purpose of promoting bicycle safety and/or training.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.

A handwritten signature in cursive script, appearing to read "Larry S. Bonine", is written over a horizontal line.

LARRY S. BONINE  
Director

RESOLUTION NO. 95R-03

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BULLHEAD CITY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE CITY OF BULLHEAD CITY; AND AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE THE AGREEMENT FOR THE PURPOSE OF ENABLING CITY TO OBTAIN GRANT FUNDS TO BE UTILIZED FOR APPROVED BICYCLE SAFETY PROGRAMS.

WHEREAS, federal funds are available to the City for bicycle safety education programs to be administered by the Arizona Department of Transportation (ADOT); and

WHEREAS, the City has submitted an application to obtain federal funding for bicycle safety programs to the State of Arizona; and

WHEREAS, the City desires to enter into an Intergovernmental Agreement with the State of Arizona in order to receive funds under Contract No. KR94 2986TRN to be utilized for the purposes set forth hereinabove; and

WHEREAS, the City of Bullhead City is empowered to enter into this agreement by virtue of the provisions of A.R.S. Section 48-572, and the State of Arizona is empowered to enter into this agreement by virtue of the provisions of A.R.S. Sections 28-108 and 28-112.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Bullhead City, hereby approves the Intergovernmental Agreement between the City and the State of Arizona acting by and through the Arizona Department of Transportation, and hereby authorizes the Mayor to enter into and execute said agreement on behalf of the City.

PASSED AND ADOPTED by the City Council of the City of Bullhead City, Arizona, this 3rd day of January, 1995.

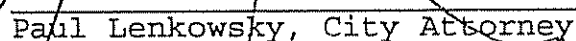
  
J. Michael Love, Mayor

Date: 1/5/95

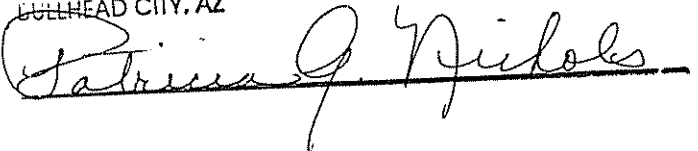
ATTEST:

  
Patricia G. Nichols, CMC, City Clerk

APPROVED AS TO FORM:

  
Paul Lenkowsky, City Attorney

CERTIFICATION  
THE FOREGOING INSTRUMENT IS A FULL, TRUE AND CORRECT  
COPY OF THE RECORD ON FILE IN THIS OFFICE  
DATE January 5 1995  
BY: PATRICIA G. NICHOLS, CITY CLERK OF THE CITY OF  
BULLHEAD CITY, AZ

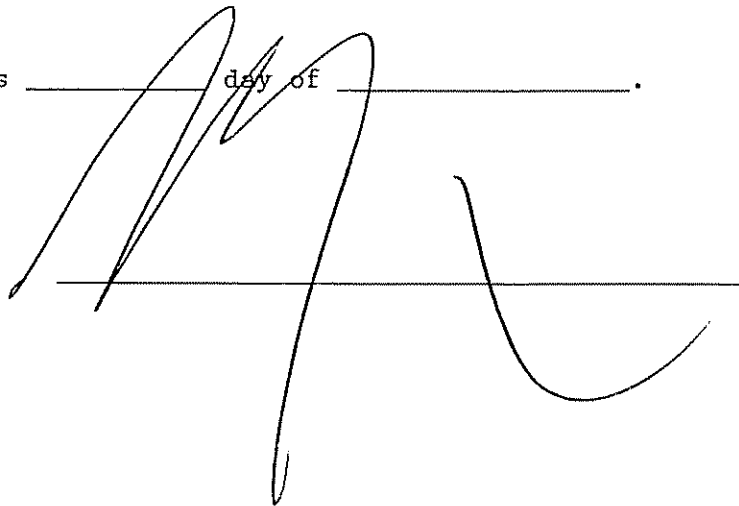


ATTORNEY APPROVAL

I have reviewed the attached agreement pursuant to A.R.S. 11-952 and declare this agreement to be in proper form and within the powers and authority granted to \_\_\_\_\_ under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties to enter into said agreement.

DATED this \_\_\_\_\_ day of \_\_\_\_\_.

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the attorney.



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025

TELECOPIER : 542-4085

GRANT WOODS  
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR94-2986-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 20<sup>th</sup> day of January, 1995.

GRANT WOODS  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:ggt  
8661G/110